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KATTEN MUCHIN ROSENMAN LLP			TRAN, NGHI V	
575 MADISON AVENUE			ART UNIT	PAPER NUMBER
NEW YORK, NY 10022-2585			2151	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/005,988	Applicant(s) KANEMAKI ET AL.	
	Examiner Nghị V. Tran	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 26-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed on June 13, 2006. Claims 1-2, 9-10, 14, 18, 26, and 27 have been amended. Claims 19-25 have been canceled. Therefore, claims 1-18 and 26-27 are presented for further examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 9-18, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parnafes et al., U.S. Patent No. 6,721,272 (hereinafter Parnafes), in view of Ebata et al., U.S. Patent No 6,708,209 (hereinafter Ebata).
3. With respect to claims 1 and 26-27, Parnafes teaches a method of reserving a transmission band of a transmission line for transmitting data (see abstract and figs. 1-4) via a plurality of Internet service providers on the Internet between first (102 i.e. sender device) and second communication devices (106 i.e. receiver device), the method comprising the steps of:

- (a) the first communication device requesting an intermediary server (104 i.e. RSVP proxy) to reserve the transmission band [col.7, ln.37 - col.8, ln.27];
and
- (b) the intermediary server reserving the transmission band for the first and second communication devices [col.8, lns.29-64],

However, Parnafes is silent on receiving the user policy; searching for IP address of policy servers of the plurality of Internet service providers; transmitting the user policy to each policy server corresponding to one of the plurality of Internet service providers; receiving a band reservation result from each corresponding policy server; determining whether the requested band reservation is confirmed by the band reservation results; and transmitting the band reservation results to the first communication device.

In reserving a transmission band method, Ebata discloses transmitting a user policy that includes an ordering number [i.e. inter-organization link ID, col.6, lns.1-66], a requested band [i.e. guaranteed band of requester user A 108], a reservation start date and time [i.e. start time], and a reservation end date and time [i.e. end time] [figs. 2, 19, 22] and the reserving step [Ebata, abstract] further includes the steps of:

- receiving the user policy [fig. 2 i.e. range of network in which user can change settings];
- storing the received user policy [i.e. a policy held in the policy server, see abstract];
- searching for IP address of policy servers of the plurality of Internet service providers [fig. 5 and 19-21];

- transmitting the user policy to each policy server corresponding to one of the plurality of Internet service providers [col.9, ln.4 - col.10, ln.15], said each policy server storing the transmitted user policy [figs.5&19];
- receiving a band reservation result from each corresponding policy server [col.6, ln.29 - col.7, ln.46];
- determining whether the requested band reservation is confirmed by the band reservation results [col.5, ln.7 - col.6, ln.25]; and
- transmitting the band reservation results to the first communication device [col.4, ln.50 - col.5, ln.6], and wherein charging data [i.e. what is charged **701**, fig.22], for charging one or more of a transmitter and a receiver of said data for transmission quality assurance per said plurality of Internet service providers, is constructed at one or more of said content server, said intermediary server, and said policy server [col.14, ln.66 – col.16, ln.34].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Parnafes in view of Ebata by receiving the user policy, searching for IP address of policy servers, and confirming the requested band reservation because these features can be guaranteed in its own network, or local network, for an inter-network communications [Ebata, col.2, lns.6-7]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Parnafes in view of Ebata in order to provide a quality-guaranteed path extending to a plurality of networks which has a quality guaranteed by, and not

violating, the policies made public by the policy servers of a plurality of networks associated with the quality-guaranteed path to be provided [Ebata, col.2, lns.23-27].

4. With respect to claim 2, Parnafes further teaches the first communication device transmits IP addresses of the first and second communication devices, IP addresses of each of a plurality of routers on the transmission line between the first and second communication devices, and a desired band value to be reserved to the intermediary server [col.5, ln.43 - col.6, ln.5].

5. With respect to claim 3, Parnafes further teaches the intermediary server identifies a band reservation setting server [110 i.e. policy server and col.6, lns.30-58] for each of the plurality of routers from the IP addresses thereof, each of the band reservation setting servers causing its respective router to reserve the transmission band [col.5, lns.43-54 i.e. transport parameters].

6. With respect to claim 4, Parnafes further teaches the intermediary server identifies the band reservation setting servers by referring to a table on which IP addresses of each of the band reservations servers is recorded so as to be correlated with an IP address of its respective router [col.8, lns.5-65 i.e. a table is inherent as transport parameters or policies].

7. With respect to claim 5, Parnafes further teaches each of the band reservation setting servers causes its respective router to reserve the transmission band in accordance with band setting requests transmitted from the intermediary server (col.8, Ins.5-65 i.e. RSVP proxy can override policies which located on itself or policy server).
8. With respect to claim 9, Parnafes further teaches the intermediary server, instead of the desired band value, utilizes an ID (col.8, Ins.44-49 i.e. an ID is interpreted as the user names) of one of the Internet service providers to which one the second communication device is connected and IP addresses of communication devices connected to the one of the Internet service providers, the ID and the IP addresses being transmitted from the one of the Internet service providers (col.8, Ins5-65 and figs.1-4).
9. With respect to claim 10, Parnafes further teaches the desired band value is a transmission rate (col.8, Ins.24-27) at which the second communication device is connected to the one of the Internet service providers (figs.1-2 and 5).
10. With respect to claim 11, Parnafes further teaches the intermediary server transmits an inquiry about the transmission rate to the one of the Internet service providers (col.8, Ins.29-64 i.e. RSVP proxy check required bandwidth).

11. With respect to claim 12, Parnafes further teaches the one of the Internet service providers responds to the inquiry from the intermediary server (col.8, lns29-64).
12. With respect to claim 13, Parnafes further teaches the first communication device transmits IP addresses of the first and second communication devices, and IP addresses of routers on the transmission line to the intermediary server (fig.2).
13. With respect to claim 14, Parnafes further teaches a desired value of the transmission band is a transmission rate (col.5, ln.66 - col.6, ln.2) at which the second communication device is connected to a corresponding one of the Internet service providers (fig.2 and col.6, lns.64-66).
14. With respect to claim 15, Parnafes further teaches the intermediary server transmits an inquiry about the transmission rate to the corresponding one of the Internet service providers (col.8, lns.29-64 i.e. RSVP proxy check required bandwidth).
15. With respect to claim 16, Parnafes further teaches the corresponding one of the Internet service providers responds to the inquiry from the intermediary server (col.8, lns29-64).
16. With respect to claim 17, Parnafes further teaches the second communication device (106 i.e. receiving device) is connected to one of the Internet service providers

(526 and col.10, Ins.33-46) which one includes a copy server (530 i.e. server) having a copy of a content distributed by the first communication device (col.10, Ins.47-57 i.e. policy); and the first communication device, based on a request of the second communication device for the content, informs the copy server that the content is distributed from the copy server to the second communication device by reserving a transmission band between the first communication device and the second communication device [col.10, Ins.47-57].

17. With respect to claim 18, Parnafes further teaches the copy server (110 i.e. policy server) transmits an IP address thereof, an IP address of the second communication device, a desired band value to be reserved, and IP addresses of all routers between the copy server and the second communication device to the intermediary server (col.6, Ins.30-53 and col.5, Ins.43-54 i.e. transport parameters).

18. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over both Parnafes and Ebata as applied to claim 3 above, and further in view of Ise et al., U.S. Patent No. 6,336,129 (hereinafter Ise).

19. With respect to claim 6, both Parnafes and Ebata are silent on the steps (c) the first communication device requesting the intermediary server to release the reserved transmission band; and (d) the intermediary server releasing the reserved transmission band.

In a method of reserving a transmission band, Ise discloses the steps of:

- (c) the first communication device [501 i.e. transmitting terminal] requesting the intermediary server to release [i.e. teardown] the reserved transmission band [col.2, ln.64 - col.3, ln.38 and fig.3]; and
- (d) the intermediary server [701, 702, 703, or 704 i.e. LSR] releasing the reserved transmission band [figs.11-13].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify both Parnafes and Ebata, and further in view of Ise by requesting the intermediary server to release the reserved transmission band because this feature "is possible to delete the reserved bandwidth immediately" [Ise, col.3, lns.15-16]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify both Parnafes and Ebata, and further in view of Ise in order "to deal with a change of communication route by the network and a malfunction of a router" [Ise, col.3, lns.17-19].

20. With respect to claim 7, both Parnafes and Ebata are silent on the intermediary server instructs the band reservation setting servers to release the reserved transmission band. However, Parnafes clearly teaches the intermediary server (i.e. RSVP proxy) instructs (i.e. overrides) the band reservation setting servers (i.e. policy server) [Parnafes, col.8, lns.17-21].

In a method of reserving a transmission band, Ise discloses the intermediary server [Ise, 701, 702, 703, or 704 i.e. LSR] instructs the band reservation setting

servers (i.e. the receiving terminal or a router from a receiving side) to release the reserved transmission band [Ise, col.2, ln.64 - col.3, ln.38 and fig.3].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify both Parnafes and Ebata, and further in view of Ise by instructing the band reservation setting servers to release the reserved transmission band because this feature "is possible to delete the reserved bandwidth immediately" [Ise, col.3, lns.15-16]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify both Parnafes and Ebata, and further in view of Ise in order "to deal with a change of communication route by the network and a malfunction of a router" [Ise, col.3, lns.17-19].

21. With respect to claim 8, both Parnafes and Ebata are silent on each of the band reservation setting servers causes its respective router to release the reserved transmission band in accordance with a band release request transmitted from the intermediary server.

In a method of reserving a transmission band, Ise discloses each of the band reservation setting servers causes its respective router to release the reserved transmission band in accordance with a band release request transmitted from the intermediary server [Ise, figs. 3 and 11-13].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify both Parnafes and Ebata, and further in view of Ise by releasing the transmission band of all the respective routers because this

feature "is possible to delete the reserved bandwidth immediately" [Ise, col.3, Ins.15-16]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify both Parnafes and Ebata, and further in view of Ise in order "to deal with a change of communication route by the network and a malfunction of a router" [Ise, col.3, Ins.17-19].

Response to Arguments

22. Applicant's arguments filed June 13, 2006 have been fully considered but they are not persuasive because of the following:

Parnafes teaches a method of reserving a transmission band of a transmission line for transmitting data (see abstract and figs.1-4) via a plurality of Internet service providers on the Internet between first (102 i.e. sender device) and second communication devices (106 i.e. receiver device), the method comprising the steps of: (a) the first communication device requesting an intermediary server (104 i.e. RSVP proxy) to reserve the transmission band [col.7, ln.37 - col.8, ln.27]; and; (b) the intermediary server reserving the transmission band for the first and second communication devices [col.8, Ins.29-64]. However, Parnafes is silent on receiving the user policy; searching for IP address of policy servers of the plurality of Internet service providers; transmitting the user policy to each policy server corresponding to one of the plurality of Internet service providers; receiving a band reservation result from each corresponding policy server; determining whether the requested band reservation is confirmed by the band reservation results; and transmitting the band reservation results

to the first communication device. In reserving a transmission band method, Ebata discloses transmitting a user policy that includes an ordering number [i.e. inter-organization link ID, col.6, lns.1-66], a requested band [i.e. guaranteed band of requester user A **108**], a reservation start date and time [i.e. start time], and a reservation end date and time [i.e. end time] [figs. 2,19,22] and the reserving step [Ebata, abstract] further includes the steps of: receiving the user policy [fig. 2 i.e. range of network in which user can change settings]; storing the received user policy [i.e. a policy held in the policy server, see abstract]; searching for IP address of policy servers of the plurality of Internet service providers [fig. 5 and 19-21]; transmitting the user policy to each policy server corresponding to one of the plurality of Internet service providers [col.9, ln.4 - col.10, ln.15], said each policy server storing the transmitted user policy [figs.5&19]; receiving a band reservation result from each corresponding policy server [col.6, ln.29 - col.7, ln.46]; determining whether the requested band reservation is confirmed by the band reservation results [col.5, ln.7 - col.6, ln.25]; and transmitting the band reservation results to the first communication device [col.4, ln.50 - col.5, ln.6], and wherein charging data [i.e. what is charged **701**, fig.22], for charging one or more of a transmitter and a receiver of said data for transmission quality assurance per said plurality of Internet service providers, is constructed at one or more of said content server, said intermediary server, and said policy server [col.14, ln.66 – col.16, ln.34]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Parnafes in view of Ebata by receiving the user policy, searching for IP address of policy servers, and confirming the requested band

reservation because these features can be guaranteed in its own network, or local network, for an inter-network communications [Ebata, col.2, Ins.6-7]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Parnafes in view of Ebata in order to provide a quality-guaranteed path extending to a plurality of networks which has a quality guaranteed by, and not violating, the policies made public by the policy servers of a plurality of networks associated with the quality-guaranteed path to be provided [Ebata, col.2, Ins.23-27].

23. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642F. 2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F. 2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant obviously attacks references individually without taking into consideration based on the teaching of combinations of references as show in the above.

24. In response to applicant's argument that Parnafes and Ebata fail to disclose or suggest having the user policy which includes an order number, requested band, reservation start date and time, and reservation end date and time. Examiner disagrees because Ebata teaches or suggests transmitting a user policy that includes an ordering number [i.e. inter-organization link ID, col.6, Ins.1-66], a requested band [i.e. guaranteed band of requester user A **108**], a reservation start date and time [i.e. start time], and a reservation end date and time [i.e. end time] [figs. 2,19,22].

25. Therefore, the examiner asserts that cited prior arts teach or suggest the subject matter broadly recited in independent claims. Claims 2-18 are rejected at least by virtue of their dependency on independent claims and by other reasons set forth above. Accordingly, claims 1-18 and 26-27 are respectfully rejected as shown above.

Conclusion

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

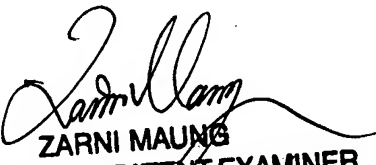
27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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